



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision: 13.11.2024

CRM-M-44662-2024

MANDEEP ALIAS MATTU

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CRM-M-52716-2024

RASAL SINGH ALIAS RSAL SINGH

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish Gulati, Advocate,
for the petitioner in CRM-M-44662-2024.

Mr. Maninderjit Singh, Advocate,
for the petitioner in CRM-M-52716-2024.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the
Bhartiya Nagrik Suraksha Sanhita, 2023 is for granting the concession of
regular bail to the petitioner in case FIR No.63 dated 08.06.2024 under
Sections 21(b), 61, 85 of the NDPS Act, 1985 (Section 29 NDPS Act rapat
No.36, dated 29.07.2024, registered at Police Station P.S. Khem Karan,
District Tarn Taran.



2. Learned counsel for the petitioners submit that the petitioners have been falsely implicated in the present case. It has been submitted that as per allegations, the petitioners were standing by the roadside when, upon seeing the police party, they threw away polythene envelopes containing 255 grams of heroin. Learned counsel contend that the false implication of the petitioners is evident for the following two reasons:

Firstly, the petitioners have no previous criminal antecedents, and secondly no independent witness was joined at the time of the alleged recovery. It has been further argued that the petitioners have been in custody since 8th of June 2024, yet the trial has not concluded till date. Therefore, a prayer has been made for enlarging the petitioners on bail, as the possibility of the trial concluding in the near future appears remote, especially given that none of the prosecution witnesses have been examined so far.

3. *Per contra* learned counsel for the State while opposing the prayer submissions made by counsel opposite has argued that the police apprehended both the petitioners on suspicion; the petitioners, upon seeing the police party, threw away two polythene envelopes containing 255 grams of heroin (commercial quantity). It has been asserted that since this was not a case involving a personal search of the petitioners or any secret information, there was no necessity to include any independent witness. Further, the learned State counsel has emphasized, on instructions, that following the arrest of the petitioners on 8th of June 2024, the challan has been presented, and charges were framed as recently as on 7th of September 2024. Hence, there is no question of the trial having been delayed in any manner. Learned State counsel has



submitted that there is every likelihood that the trial would conclude very shortly given that the trial has been proceeding at a reasonable pace. Additionally, it is argued by the learned State counsel that the recovered contraband qualifies as a commercial quantity under the NDPS Act, thus, rendering the petitioners ineligible for bail under the powers imposed by Section 37 of the NDPS Act.

4. I have heard learned counsel for the parties and have perused the relevant material placed on record.

5. The petitioners were allegedly apprehended on suspicion and thereafter recovery of 255 grams of heroin was effected from two envelopes which were thrown by them. The alleged recovery, as already observed earlier, has been classified as commercial. The trial has been proceeding at a reasonably good pace and in all likelihood it would not take much time to conclude.

6. In the facts and circumstances as enumerated herein-above, this Court does not deem it fit to grant the extraordinary concession of bail to the petitioners.

7. Accordingly, both the petitions are hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. A photocopy of this order be placed on the file of another connected case.

(MANJARI NEHRU KAUL)
JUDGE

November 13, 2024

poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No